

EX PARTE OR LATE FILED

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Ben G. Almond
Executive Director-
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December 8, 1994

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DEC - 8 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Dockets 94-103, 94-105 and 94-107 Petitions of the States of Hawaii, California and Louisiana, respectively for Rate Regulation of Commercial Mobile Radio Services

Dear Mr. Caton:

On November 29, 1994 BellSouth dutifully filed with the Federal Communications Commission (FCC) ex parte on the above referenced proceeding.

The attached letter and accompanying attachment represent documents that are now being delivered to Michael Wack and Regina Harrison of the FCC as follow-up information requested by the FCC during the referenced ex-parte.

Please associate this additional information with the associated docket proceedings.

If there are any questions in this regard, please contact the undersigned.

Sincerely,



Ben G. Almond
Executive-Federal Regulatory

Attachment

cc: Michael Wack
Doron Fertiz
Regina Harrison
Julia Kogan
Jewell Elliott

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Mr. Michael Wack
Federal Communications Commission
Deputy Division Chief
Policy Division-Wireless Telecommunications Bureau

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

RE: State Petition of Louisiana to Regulate Cellular Mobile Carriers

Dear Mr. Wack:

During our recent ex-parte on November 29, 1994 to discuss the above referenced subject, it was requested that we provide a document from the state of Louisiana which indicates deferral of their proceeding on Rate of Return regulation for cellular mobile carriers.

The attached document is a copy of the Louisiana's PUC minutes from their November 9, 1994 open session. Item U-21027 on the third page provides the requested substantiation of their deferral decision.

Please contact me if you need additional information.

Sincerely,



Ben G. Almond
Executive Director-Federal Regulatory

Attachment (3 pages)

cc: Regina Harrison

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM NOVEMBER 9, 1994
OPEN SESSION

MINUTES OF NOVEMBER 9, 1994 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT: CHAIRMAN KATHLEEN B. BLANCO, VICE CHAIRMAN JOHN F. SCHWENKMAN, COMMISSIONERS DON OWEN, THOMAS E. POWELL, AND IRENA MYSE DIXON ALONG WITH ASSISTANT SECRETARY BRIAN EDDINGTON.

Open Session of November 9, 1994 convened at 9:20 A.M., adjourning at 4:40 P.M. in the Marshall Burton Brinkley Auditorium, 16th Floor, One American Place, Corner of North and Fourth Streets, Baton Rouge, Louisiana with the above-named members of the Commission and Assistant Secretary Brian Eddington.

Discussion of the development of new guidelines and procedures for intrastate transportation.

Transportation Director Kenneth Adams reported to the Commission on the development of new guidelines and procedures for intrastate transportation following recent legislation. Senior Staff Attorney Devitis advised the new guidelines would be published in the Commission's Official Bulletin. This matter will be returned to the December Agenda for Commission consideration and decision.

T-21142 - Louisiana Public Service Commission vs. Just Kris Distributing (Graham, North Carolina). In re: Alleged violation of Title 45, Chapter 4 of the Revised Statutes of 1950, as amended, by failing to identify motor vehicles being operated in interstate commerce in Louisiana as required by the Commission's General Order dated September 7, 1972, as amended.

On motion of Commissioner Owen, seconded by Commissioner Dixon, and unanimously adopted, the Commission voted to accept the Staff recommendation and found the Company guilty and fined it in the amount of \$215.00 and ordered the two bonds posted in said amounts forfeited.

T-21129 - Louisiana Public Service Commission vs. Grayline of Houston (Houston, Texas). In re: Alleged violation of Title 45, Chapter 4 of the Revised Statutes of 1950, as amended, by operating for-hire by motor vehicle without authority of the Commission.

On motion of Commissioner Owen, seconded by Commissioner Dixon, and unanimously adopted, the Commission voted to accept the Staff recommendation and found the Company guilty and fined it in the amount of \$250.00 to be paid within 15 days from the date of the Order.

T-21159 - Louisiana Public Service Commission vs. Bob Bolin Services, Inc. (Florissant, Missouri). In re: Alleged violation of Title 45, Chapter 4 of the Revised Statutes of 1950, as amended, by failing to register vehicles being operated in interstate commerce in Louisiana as required by the Commission's General Order dated September 7, 1972, as amended.

On motion of Commissioner Owen, seconded by Commissioner Dixon, and unanimously adopted, the Commission voted to accept the Staff recommendation and found the Company guilty and fined it in the amount of \$500.00, and ordered the bond posted in said amount forfeited.

— 4 —

Order No. U-17949-E. Re: Review of AGO's Incentive Plan
(at request of Commissioners Schwabmann and Dixon)

Action deferred.

U-20816 - Washington-St. Tammany Electric Cooperative, Inc. vs. Central Louisiana Electric Company, Inc. In re: Alleged violation of LRS 45:123, by offering electric service to Kenny Rogers Roasters Restaurant, Gause Blvd., Slidell, Louisiana, within 300 feet of Washington-St. Tammany Electric Cooperative, Inc.'s electric line.

On motion of Commissioner Schwegmann, seconded by Commissioner Dixon, with Commissioners Blanes and Powell concurring, and Commissioner Owen dissenting, the Commission voted that this was a customer choice situation with no exclusive right granted to either party; therefore, CLECO will be permitted to serve this customer and this docket is hereby dismissed.

U-20881 - Alma Plantation, Ltd. vs. Gulf States Utilities Company. In re: Alleged over-billing for electric service under rate schedule LGS and Rider SS applicable to Alma Plantation, Ltd., Lakeland, Louisiana.

On motion of Commissioner Powell, seconded by Commissioner Dixon, with Commissioners Blance and Owen concurring, and Commissioner Schwegmann abstaining, the Commission voted to dismiss this complaint case.

General Order dated July 29, 1994 - Re: Itemized Billing by Cellular Carriers for Local Calls Made by its customers.

Re: Request for Rehearing filed by

(1) Shreveport Cellular Telephone Co.
Lafayette Cellular Telephone Co.
Monroe Cellular Limited Partnership

(2) Janet Boies, Esq. on behalf of certain
other cellular carriers

Commissioner Owen moved to deny the Requests for Rehearing, with Commissioner Dixon seconding. Subsequently Commissioner Dixon withdrew her second.

Commissioner Dixon moved to grant rehearing and schedule a formal Commission hearing on this matter. Commissioner Blance seconded Commissioner Dixon's motion.

Commissioner Owen offered a substitute Motion to deny the Requests for rehearing but received no second.

Commissioner Dixon reiterated her previous motion to permit reconsideration of the Order recently adopted requiring all cellular service providers to offer itemized bills on a non-charge basis, and requesting that a formal hearing be held, seconded by Commissioner Simms, with Commissioners Schwagmann and Powell concurring, and Commissioner Owen dissenting.

Central Louisiana Electric Company, Inc.'s application of extension of previously authorized agreements.

On motion of Commissioner Powell, seconded by Commissioner Dixon, and unanimously adopted, the Commission approved the application.

Century Telephone Co., Inc. In re: Application to obtain authority to borrow additional funds.

On motion of Commissioner Powell, seconded by Commissioner Dixon, and unanimously adopted, the Commission approved the application.

U-21017 - Louisiana Public Service Commission, ex parte. In re: A generic hearing to investigate and evaluate, through the hearing process, the merits of regulating cellular mobile carriers and other wireless communication providers on a rate of return basis and to recommend the types of regulation that should be exercised by the Commission over the carriers.

Re: Retention of Special Counsel and Consultants

On motion of Commissioner Blanco, seconded by Commissioner Dixon, with Commissioner Powell concurring, and Commissioner Schwegmann and Owen dissenting, the Commission voted to delay consideration of the retention of Special Counsel and Consultants until such time as the FCC declares a national policy on the regulation of Cellular Service Providers by the States.

U-17949 - (SubdoCKET-D) - Louisiana Public Service Commission, ex parte. Application of South Central Bell to Modify the Methodology of Regulation.

On motion of Commissioner Owen, seconded by Commissioner Blanco, and unanimously adopted, the Commission voted to accept Special Counsel's Report and reject Bell's proposal, any further consideration of the subject matter of SubdoCKET-D to be considered as a portion of ongoing proceedings in SubdoCKET-E.

U-20784 - Louisiana Public Service Commission, ex parte. In re: Global Telecoin, Inc./Global Tel*Link Corporation's billing procedures and non-compliance with Commission Orders U-17987-B and U-17987-C and investigation into the rates charged and service provided by Global Telecoin, Inc./Global Tel*Link Corp.

Re: Reaffirmation of COCOT Guideline (Order No. U-16462) Prohibiting billing of calls more than 60 days in arrears. Specific directive to Global Tel*Link Corporation

Report of Special Counsel Zimmering

On motion of Commissioner Dixon, seconded by Commissioner Blanco, and unanimously adopted, the Commission voted to instruct Global Telecoin, Inc./Global Tel*Link Corp. to cease billing beyond 60 days and adhere to the existing FCC Guidelines in accordance with Order U-16462.